

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT BALDWIN,

Plaintiff(s),

v.

VERONICA VERY, et al.,

Defendant(s).

CASE NO. C23-1709-KKE

ORDER DISMISSING CASE

This matter comes before the Court on Defendants' motion to dismiss Plaintiff's third amended complaint under Federal Rule of Civil Procedure 12(b)(4), (5), (6), and (7). Dkt. No. 24. Plaintiff, proceeding *pro se*, failed to file an opposition to the motion and earlier failed to respond to the Court's order to show cause why the case should not be dismissed due to his failure to file a joint status report that complies with the Court's instructions. *See* Dkt. Nos. 30, 33.

The Ninth Circuit has affirmed dismissal of a *pro se* plaintiff's case for failure to respond to a motion to dismiss, consistent with a local rule. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). As noted above, not only did Plaintiff fail to respond to Defendants' motion to dismiss, but Plaintiff also failed to respond to the Court's order to show cause why this case should not be dismissed. Dkt. Nos. 30, 33. The Court construes Plaintiff's failure to respond to both Defendants' motion and the Court's order as consent to dismissal of the case. *See* Local Rules W.D. Wash. LCR 7(b)(2) ("Except for motions for summary judgment, if a party fails to file papers

1 in opposition to a motion, such failure may be considered by the court as an admission that the
2 motion has merit.”).

3 Because it appears that Plaintiff is no longer prosecuting this case, the Court finds that it is
4 appropriate to DISMISS this matter without prejudice for failure to prosecute. *See* Fed. R. Civ. P.
5 41(b).

6 Dated this 23rd day of April, 2024.

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9 Kimberly K. Evanson
United States District Judge